IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 2252 of 2002
with
CIVIL APPLICATION NO. 8233 OF 2002

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT ELECTRICITY BOARD

Versus

CHANDRAKANT MOTIBHAI PATEL

Appearance:
MR AJ DESAI for Petitioner No. 1-2
MR TRILOK J PATEL for Respondent No. 1-2

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 20/01/2003

ORAL JUDGEMENT

By order dated 21st October, 2002 (Coram: K.M.Mehta, J.), this appeal was admited on the question of interest only. By consent of the learned Counsel

appearing for the parties the appeal is taken up for final hearing today.

2. The respondents had filed the Suit against Gujarat Electricity Board claiming Rs. 50,000/- as compensation for the death of their daughter aged 10 years, who died of electrocution. It was filed on 23.2.1989. The Suit was decreed on 14.6.2002. The appellants were ordered to pay Rs. 50,000/- alongwith running interest at the rate of 18% from the date of filing of the suit.

3. There is no challenge to the amount of compensation awarded. However, it is submitted by the learned Counsel for the appellant that in view of the decision of the apex Court in Kaushnuma Begam (Smt) and others Vs. New India Assurance Co.Ltd. & anr., [2001 (2) SCC 9], the trial Court erred in awarding interest at the rate of 18%. He submitted that the rate of interest should not have been more than 9%. The learned Counsel for the respondent could not dispute this position. In the circumstances, the appeal is partly allowed. The respondent shall be entitled to the interest at the rate of 9% per annum on the amount of Rs. 50,000/- awarded by the trial Court from the date of filing of the suit till realisation. The decree of the trial Court shall stand modified accordingly. The appeal is accordingly disposed of. No order as to costs.

The appellant has already deposited Rs. 50,000/pursuant to the directions in the order dated 25.10.2002 passed in Civil Application No. 8233 of 2002. The appellant shall deposit the remaining amount within six weeks from today. By the said order the amount of Rs. 50,000/- deposited by the appellant in the trial Court was ordered to be invested in Fixed Deposit in any Nationalised Bank for a period of 3 years. However, the respondents shall be entitled to withdraw the entire amount including the amount ordered to be invested in the nationalised Bank. Civil Application stands disposed of accordingly.

(M.C.Patel, J.)
*/Mohandas